

## **IC 12-10-7**

### **Chapter 7. Adult Guardianship Services**

## **IC 12-10-7-1**

### **"Incapacitated individual" defined**

Sec. 1. As used in this chapter, "incapacitated individual" means an individual who:

- (1) cannot be located upon reasonable inquiry;
- (2) is unable:
  - (A) to manage in whole or in part the individual's property;
  - (B) to provide self-care; or
  - (C) to do either of the functions described in clauses (A) and (B);because of mental illness, dementia, physical illness, infirmity, habitual drunkenness, excessive use of drugs, confinement, detention, duress, fraud, undue influence of others on the individual, or other disability (as that term is used in IC 12-10-10-3 or IC 12-14-15-1); or
- (3) has a developmental disability.

*As added by P.L.2-1992, SEC.4. Amended by P.L.21-1996, SEC.6.*

## **IC 12-10-7-2**

### **"Indigent adult" defined**

Sec. 2. As used in this chapter, "indigent adult" means an individual who:

- (1) is at least eighteen (18) years of age;
- (2) has no appropriate person to serve as guardian; and
- (3) either:
  - (A) has an annual gross income of not more than one hundred twenty-five percent (125%) of the federal income poverty level as determined annually by the federal Office of Management and Budget under 42 U.S.C. 9902; or
  - (B) demonstrates the inability to obtain privately provided guardianship services.

*As added by P.L.2-1992, SEC.4.*

## **IC 12-10-7-3**

### **"Provider" defined**

Sec. 3. As used in this chapter, "provider" refers to a regional guardianship services provider.

*As added by P.L.2-1992, SEC.4.*

## **IC 12-10-7-4**

### **"Region" defined**

Sec. 4. As used in this chapter, "region" means a service provision region established by the division by rule adopted under IC 4-22-2.

*As added by P.L.2-1992, SEC.4.*

## **IC 12-10-7-5**

### **Establishment of program**

Sec. 5. The adult guardianship services program is established to provide services within the limits of available funding for indigent incapacitated adults.

*As added by P.L.2-1992, SEC.4.*

#### **IC 12-10-7-6**

##### **Administration**

Sec. 6. The director shall administer the program on a statewide basis.

*As added by P.L.2-1992, SEC.4.*

#### **IC 12-10-7-7**

##### **Rules**

Sec. 7. The director of the division shall adopt rules under IC 4-22-2 to implement this chapter.

*As added by P.L.2-1992, SEC.4.*

#### **IC 12-10-7-8**

##### **Contracts for services; provider qualifications; specifications**

Sec. 8. (a) The division shall contract in writing for the provision of the guardianship services required in each region with a nonprofit corporation that is:

- (1) qualified to receive tax deductible contributions under Section 170 of the Internal Revenue Code; and
- (2) located in the region.

(b) The division shall establish qualifications to determine eligible providers in each region.

(c) Each contract between the division and a provider must specify a method for the following:

- (1) The establishment of a guardianship committee within the provider, serving under the provider's board of directors.
- (2) The provision of money and services by the provider in an amount equal to at least twenty-five percent (25%) of the total amount of the contract and the provision by the division of the remaining amount of the contract. The division shall establish guidelines to determine the value of services provided under this subdivision.
- (3) The establishment of procedures to avoid a conflict of interest for the provider in providing necessary services to each incapacitated individual.
- (4) The identification and evaluation of indigent adults in need of guardianship services.
- (5) The adoption of individualized service plans to provide the least restrictive type of guardianship or related services for each incapacitated individual, including the following:
  - (A) Designation as a representative payee by:
    - (i) the Social Security Administration;
    - (ii) the United States Office of Personnel Management;
    - (iii) the United States Department of Veterans Affairs; or
    - (iv) the United States Railroad Retirement Board.

- (B) Limited guardianship under IC 29-3.
- (C) Guardianship of the person or estate under IC 29-3.
- (D) The appointment of:
  - (i) a health care representative under IC 16-36-1-7; or
  - (ii) a power of attorney under IC 30-5.
- (6) The periodic reassessment of each incapacitated individual.
- (7) The provision of legal services necessary for the guardianship.
- (8) The training and supervision of paid and volunteer staff.
- (9) The establishment of other procedures and programs required by the division.

*As added by P.L.2-1992, SEC.4. Amended by P.L.21-1996, SEC.7; P.L.24-1997, SEC.27.*

### **IC 12-10-7-9**

#### **Audits**

Sec. 9. (a) Each provider is subject to periodic audit of the adult guardianship services program by an independent certified public accountant.

(b) The results of the audit required under subsection (a) must be submitted to the division.

*As added by P.L.2-1992, SEC.4. Amended by P.L.21-1996, SEC.8; P.L.24-1997, SEC.28.*